THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.6821 of 2007

Dated 5th April 2007

Between:

J.Mogilaiah

…Petitioner

and

The Secretary,
Regional Transport authority,
Warangal and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.6821 of 2007

ORDER:

The petitioner is the owner of Tractor and Trailer bearing registration Nos.AP-36-U-5217 and 5218. The Assistant Motor Vehicles Inspector, the

2nd respondent herein, seized the same on 25-11-2006 under a vehicle check report. As many as seven defects were pointed out. The prominent among them are, that the driver of the vehicle has not produced driving licence, and that he drove the vehicle without any valid permit. The petitioner seeks release of the vehicle.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The Motor Vehicles Act (for short '*the Act*') and the Rules made thereunder prescribes the procedure for determination of lapses, if any, committed by the owners of the vehicle, and the consequences that flow from such determination. According to the petitioner, notice under

any provision of the Act has not yet been issued.

The question, as to whether the lapses pointed out in the vehicle check report are true or not, needs to be decided in the proceedings, that may be initiated in accordance with the relevant provisions of law. Continued detention and seizure of the vehicle does not advance the purpose, or interest of the respondents. On the other hand, it would expose to theft of parts, and damage. The interest of the respondents can be protected by directing that the vehicle of the petitioner be released, subject to certain conditions.

Hence, the writ petition is disposed of, directing that the respondents shall release the Tractor and Trailer bearing registration Nos.AP-36-U-5217 and 5218 to the petitioner on his paying a sum of Rs.5,000/- (five thousand). He shall also file an undertaking to the effect that he shall produce the vehicle as and when necessary, and that he shall not alienate the same, in the meanwhile.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.05-04-2007.

C.C. tomorrow
(B/O) KO

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.1680 OF 2007

ORDER:

The petitioner is the owner of a vehicle bearing No.TN 23/S/9000. She holds a permit to operate the vehicle on the inter-state route from Tirupathi to Arakonam. She is said to have submitted an application on 22-11-2004, before the respondent herein, with a request to grant permission to operate additional singles. Her grievance is that the respondent has not taken any action thereon, though more than two years have been elapsed.

Heard the learned counsel for the petitioner and learned

Government Pleader for Transport.

The limited grievance of the petitioner is about non-consideration of her application, for variation of conditions of permit. The respondent is not an agency, which functions on continuous basis. Its business is transacted in the meetings, which are conducted occasionally. Compared to the consideration of fresh applications, for grant of permits etc., the application of the petitioner assumes secondary importance. Be that as it may, the very purpose of filing applications for variation of conditions would be defeated, if it kept pending for years together.

Hence, the writ petition is disposed of, directing the respondent to consider and pass appropriate orders on the application of the petitioner, dateds
22-11-2004, in the next meeting, or within four months from today, whichever is earlier. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.01-02-2007.

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.3308 of 2007

ORDER:

The petitioner is the owner of a vehicle (Maxi Cab-LMV) bearing registration No.AP-22-U-6033. The Motor Vehicle Inspector, Mahaboobnagar, the 2nd respondent herein, seized the same on 04-01-2007 under a vehicle check report. As many as five defects were pointed out. The prominent among them are, that the vehicle did not have registration certificate, and that it was plying without number plate. The petitioner seeks release of the vehicle.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The Motor Vehicles Act (for short 'the Act') and the Rules made thereunder prescribes the procedure for determination of lapses, if any, committed by the owners of the vehicle, and the consequences that flow from such determination. According to the petitioner, notice under any provision of the Act has not yet been issued.

The question, as to whether the lapses pointed out in the vehicle check report are true are not, needs to be decided in the proceedings, that may be initiated in accordance with the relevant provisions of law. Continued detention and seizure of the vehicle does not advance the purpose, or interest of the respondents. On the other hand, it would expose to theft of parts, and damage. The interest of the respondents can be protected by directing that the vehicle of the petitioner be released, subject to certain conditions.

Hence, the writ petition is disposed of, directing the respondents to release the vehicle bearing No.AP-22-U-6033 on condition that the petitioner shall deposit a sum of Rs.20,000/- (twenty thousand), with the respondents and he shall file an undertaking to the effect that he shall not alienate the vehicle and would produce the same as and when required by the respondents.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.20-02-2007.

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